



The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

Raymond St. Laurent  
B&S Septic Service & Pumping  
211 Dowboro Road  
Pittsfield, NH 03263

**ADMINISTRATIVE ORDER**  
**No. WD 05-002**

February 1, 2005

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Water Division to Raymond St. Laurent pursuant to RSA 485-A:4 and RSA 485-A:42. This Administrative Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, NH 03301.
2. Raymond St. Laurent is an individual having a mailing address of 211 Dowboro Road, Pittsfield, New Hampshire 03263.

**C. STATEMENTS OF FACTS AND LAW**

1. RSA 485-A:4, XVI-a authorizes DES to regulate the removal, transportation, and disposal of septage through administration of a permit system. Pursuant to RSA 485-A:6, X-a, the Commissioner of DES has adopted NH Administrative Rules Env-Ws 1600 ("the Septage Rules") to implement this program.
2. Raymond St. Laurent is the owner, operator and property owner of the B&S Septic Service and Pumping ("B&S") and septage lagoon facility located at 211 Dowboro Road in Pittsfield, New Hampshire ("Facility"). The Facility consists of three unlined septage lagoons and an adjacent septage solids storage bunker.
3. B&S disposes of septage liquid via infiltration to groundwater through lagoons at the Facility, and the septage solids are periodically removed, consolidated and surface disposed at the Facility, or landfilled.
4. On April 9, 2004, DES issued Administrative Order No. WD 04-008 to B&S, which cited B&S with continuing to dispose of septage at the Facility past the September 22, 2003 expiration date of the Waiver Approval dated September 23, 2002 in violation of Env-Ws 1604.02, Section IV.1 of the Closure Plan Approval approved on March 13, 2001 and Section V of the Waiver Approval.

**P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095**

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DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

5. The Order also cited B&S with violating Env-Ws 1608.08 by continuing operation of the Facility with less than the required 2-foot freeboard.
6. Administrative Order No. WD 04-008 ordered B&S to decide by May 15, 2004 if it intended to apply for a Septage Facility Permit, and if it did intend to apply, to apply in accordance with Env-Ws 1608 by August 31, 2004. In the alternative, B&S was required to cease operations and close the Facility.
7. On May 10, 2004, through Sunset Hill Design, DES was informed that B&S intended to apply for a permit.
8. On August 5, 2004, DES performed an inspection of the Facility and noted that the 2-foot minimum freeboard required by Env-Ws 1608.08(e)(2) was not maintained in one of the lagoons.
9. On August 31, 2004, through HYDROTERRA, DES received a Septage Facility Permit Application from B&S.
10. On September 2, 2004, DES wrote to B&S that the Application was incomplete due to lack of compliance with setback requirements. DES allowed B&S until October 15, 2004 to complete the Application.
11. On October 15, 2004, through the Law Office of Geoffrey J. Ransom PLLC, B&S requested an additional 60-day extension to complete the Application.
12. On October 22, 2004, DES granted the extension to December 14, 2004.
13. On December 15, 2004, through the Law Office of Geoffrey J. Ransom PLLC, B&S requested that in light of the proposed revision to the Env-Ws 1600 septage rules, where operation of existing lagoon would be allowed to continue to within 200 feet of a property line, "...the State authorize B&S to continue to operate pursuant to its expired groundwater permit on an interim basis."
14. If the 200-foot setback in the revised rules is adopted, information indicates that B&S will have to move its entire operation in order to comply with the revised setback, or would still need to obtain a reduction in setback waiver from the same property owners that have refused to grant a setback waiver to the existing 500-foot rule.
15. DES personnel have noted that all violations noted in Administrative Order No. WD 04-008 are continuing.

#### **D. DETERMINATION OF VIOLATIONS**

1. B&S has violated Administrative Order No. WD 04-008 by not submitting an application for a Septage Facility Permit to DES that is in accordance with Env-Ws 1608.

### E. ORDER

Based on the above findings, DES hereby orders Raymond St. Laurent (B&S) as follows:

1. Immediately cease all discharge of septage to the lagoons.
2. To bring the Septage Facility Permit Application (the Application) into compliance:
  - a) By **February 18, 2005**, B&S shall provide DES either: setback waivers from all affected abutters allowing lagoons in their current locations, or setback waivers from all affected abutters allowing lagoon locations at a specified distance that is less than 500 feet from their property, or a signed statement from B&S or the abutter(s) certifying that some or all of the affected abutters will not grant a setback waiver; and
  - b) By **April 1, 2005**, B&S shall provide DES a Facility Plan in accordance with the current version of Env-Ws 1608.06 showing proposed locations of any septage management activity that complies with: a 200-foot setback (if possible) and a 500-foot setback (if possible) to any abutter property line, or with specific setbacks as granted by abutters; and
  - c) Based upon information developed in Item E.2.a and E.2.b, by **May 16, 2005**, B&S shall provide DES a hydrogeologic study of the facility by a licensed Professional Geologist or Professional Engineer to provide data demonstrating groundwater will not be contaminated beyond AGQS at the proposed groundwater discharge zone by the septage management activities, as required by Env-Ws 1500, and a Groundwater Monitoring Plan complying with Env-Ws 1609.02.
3. Upon successful submission of the information required in E.2, DES shall continue review of the Application in accordance with the current version of the Env-Ws 1600 rules, with recognition of the approval status of the revised rules as they relate to the proposed Facility Plan.
4. Failure by B&S to meet any of the deadlines specified in E.2 shall be deemed as acknowledgement by B&S that septage lagoons are not a viable septage management activity on the property, and that B&S will proceed to close the Facility in accordance with the Septage Facility Closure Plan Approval dated March 13, 2001. Closure of the Facility, with the exception of closure verification groundwater monitoring, shall be completed by **September 1, 2006**.
5. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Alexis Rastorguyeff, P.E., Residuals Management Section  
DES Water Division  
29 Hazen Drive P.O. Box 95  
Concord, NH 03302-0095  
e-mail: arastorguyeff@des.state.nh.us

Fax: (603) 271-4128

## F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rules are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve B&S of the obligation to comply with the Order.

## G. OTHER PROVISIONS

Please note that RSA 485-A:43 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. B&S remains obligated to comply with all applicable Groundwater Discharge requirements. DES will continue to monitor B&S' compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded at the Merrimack County Registry of Deeds so as to run with the land.

**COPY**

Harry T. Stewart, P.E., Director  
Water Division

**COPY**

Michael P. Nolin, Commissioner  
Department of Environmental Services

Certified Mail/RRR: 7099 3400 0003 6154 2232

cc: Gretchen Hamel, DES Legal Unit  
Public Information Officer, DES PIP Office  
Jennifer Patterson, NH AGO  
Mitch Locker, P.G., DES Water Supply Engineering Bureau  
Jeremy Lamson, Pittsfield Town Administrator